

**BOISE, FRIDAY, NOVEMBER 7, 2008, AT 9:00 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 34308**

<b>STATE OF IDAHO,</b>	)
	)
<b>Plaintiff-Respondent,</b>	)
	)
<b>v.</b>	)
	)
<b>BRIAN C. COBLER,</b>	)
	)
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael R. McLaughlin, District Judge.

Molly J. Huskey, State Appellate Public Defender; Sarah E. Tompkins, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Ralph R. Blount, Deputy Attorney General, Boise, for respondent.

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In early October, 2006, Brian C. Cobler and his wife were arrested on two charges each of sexual battery of a minor child of sixteen or seventeen years of age, Idaho Code § 18-1508A. Cobler was involved in an inappropriate sexual relationship with J.M., who was seventeen years old at the time and vulnerable both mentally and emotionally. At Cobler's arraignment on the charges, the district court entered a No Contact Order (NCO) forbidding Cobler from having contact with the victim in the case or any other minor child. There were no exceptions granted on the NCO. Cobler and his wife have two young children together, both under the age of six, and Cobler has a daughter from a previous marriage, who was fifteen years old at the time of his arrest.

Cobler entered a guilty plea to one count of the indictment, in exchange for dismissal of the second count. The district court sentenced Cobler to a unified term of ten years, with two years determinate. Cobler subsequently filed a *pro se* motion for reduction of his sentence pursuant to Idaho Criminal Rule 35, and a motion to modify the NCO. The district court denied both motions, without an opinion or explanation as to the denial of the modification of the NCO. This appeal followed, challenging the validity of the NCO, the original sentence, and the denial of his Rule 35 motion.

**BOISE, FRIDAY, NOVEMBER 7, AT 10:30 A.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 34256**

<b>STATE OF IDAHO,</b>	)
	)
<b>Plaintiff-Respondent,</b>	)
	)
<b>v.</b>	)
	)
<b>LARRY LA PINE,</b>	)
	)
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Lansing L. Haynes, District Judge.

Molly J. Huskey, State Appellate Public Defender; Diane M. Walker, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; John C. McKinney, Deputy Attorney General, Boise, for respondent.

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Larry LaPine was arrested when he refused to perform field sobriety tests after an officer pulled over his vehicle and observed numerous signs of intoxication. An Alco-Sensor III unit later indicated that his blood alcohol content was .199/.210 percent. LaPine was charged with felony driving under the influence and possession of an open container. At trial, LaPine requested that the district court give the jury a special verdict form which specifically provided that the jurors either unanimously find LaPine guilty of driving with a BAC of .08 percent or greater or unanimously find him guilty of driving under the influence. The district court refused LaPine's special verdict form, reasoning that there was no authority requiring the use of such a verdict form and that it posed a danger of producing an inconsistent verdict. A jury found LaPine guilty of driving under the influence, but acquitted him of possession of an open container. The district court sentenced LaPine to a unified term of six years, with a minimum period of confinement of one year and six months. LaPine appeals, challenging the district court's ruling denying the use of his requested special verdict form.

**BOISE, FRIDAY, NOVEMBER 7, 2008, AT 1:30 P.M.**

**IN THE COURT OF APPEALS OF THE STATE OF IDAHO**

**Docket No. 33847**

<b>CHRISTOPHER SILENE,</b>	)
	)
<b>Petitioner-Appellant,</b>	)
	)
<b>v.</b>	)
	)
<b>STATE OF IDAHO,</b>	)
	)
<b>Respondent.</b>	)
_____	)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. G. Richard Bevan, District Judge.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Rebekah A. Cudé, Deputy Attorney General, Boise, for respondent.

Christopher Silene appeals from the district court's order summarily dismissing his petition for post-conviction relief. The petition sought relief from Silene's judgment of conviction on three counts of burglary.

Silene contends his trial counsel was ineffective for not moving to suppress evidence seized during an allegedly illegal search of the car Silene was driving at the time of his arrest. Silene also contends his guilty plea was involuntary because he entered it in order to be sent to state prison and thus be removed from allegedly intolerable conditions at the Twin Falls County Jail.